

# **BOARD OF SELECTMEN APPROVED MINUTE DISTRIBUTION LIST**

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(selectmenLDrive) Minute Cover Sheet

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**May 4, 2009**  
**Acton Memorial Library Conference Room**  
**7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs and Mike Gowing, Peter Berry (late), Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

**CITIZENS' CONCERNS**

None expressed

**CHAIRPERSON'S UPDATE**

No Update

**OPERATIONAL MINUTE**

Steve announced we have a new WEB SITE and it is an improvement with many new services. Steve reported on his meeting with the Banking community with regard to Common Ground. They have five banks that the town does business with. They reviewed the pro-forma and now we are waiting to see if we can pool some funds to move the project forward.

Doug Halley spoke about the H1N1 virus. They had an exercise at Hazardous Waste Day for a drive through inoculation process. He assures we will be ready to handle if it affects Acton.

Steve spoke about the Farmer's Market representative Jen Taylor. She has been presented a draft lease. They have given the town the insurance required.

Steve spoke about the grocery cards/gas cards for citizens in need of these services. Staff will be unveiling a program called SERVE, and will be asking employees to contribute money to help buy food cards for the needy in town through payroll deduction. Terra spoke about having a process in place to know who should be given these cards and who reviews the needs of the people who will receive food cards. Terra wants to be sure we determine need vs. wants. Paulina said the Community Services Coordinator will determine the need and distribution of these gifts.

**SELECTMEN'S REPORTS**

Sewer Advisory Committee will be presenting tonight.

Up coming MAGIC Meeting, Lauren will be attending

Sidewalk Committee is looking for one more associate. Paulina asked those interested to fill out a Volunteer Application and forward to the Town Manager's Office for processing.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **TREE REMOVAL HEARING CONTINUATION, 239 ARLINGTON STREET**

MICHAEL GOWING – Moved to continue this discussion until late July or August to allow more time to study the proposals for leaving the tree in place. LAUREN ROSENZWEIG second.  
UNANIMOUS VOTE

### **SEWER ACTION COMMITTEE REPORT, WATER RESOURCES ADVISORY COMMITTEE REQUEST AND STAFF COMMENTS**

Lauren discussed the formation of the Spencer/Tuttle Flint project and spoke about the original betterments of \$45,000 from a study to build a standard gravity sewer system for that area. The Sewer Action Committee was formed to look into less expensive ways to treat wastewater in that area. Soils and conditions made it difficult to deal with installing septic systems.

Bruce Stamski did a study of the area for a low pressure system. It came in at \$20-\$30,000 and betterments will be determined later. In order to go to design and implementation they will need to file for State funds and it must be done before August.

Andy Munro thanked the board for the consideration of a low pressure system for that area. He wanted to give guidance and time frame. Andy said the cost will be \$17,000 to \$20,000. They have had the interest added and \$244,000 dollars. They asked the Board schedule a Special Town Meeting in June.

Paulina asked about scheduling a Special Town Meeting in June to address this issue. Lauren said we need to have the STM so it will make us eligible for stimulus money.

Terra felt that we have not done enough hard analysis to know what the costs are. She was concerned that we have holes in our zoning and that sewers enabled additional development. She is concerned that without proper controls that we are opening ourselves up to more unsustainable development. She is concerned that we are rushing forward with this and that we are taking a leap of faith on many aspects of the project. She said that if the Board is capable of taking leaps of faith like this on this particular project, then she believes the Board should be able to act more quickly on other critical policy issues, as well.

Mike asked about the stimulus monies and will it be given to us. Paulina said we are in an excellent situation to receive these monies. Doug Halley spoke about State Revolving Fund and is asking projects submitted in Late June. They feel it will be a grant of 8.9 percent.

LAUREN ROSENZWEIG - Move that we hold a Special Town Meeting at the High School Auditorium JUNE 23 AT 7:00 pm MICHAEL GOWING – second. 4-1 Terra abstained. Motion passes

Paulina asked about the super sizing proposals. Paulina wanted a third approach which is fair to all citizens. The people that will be new users pay for some of the costs.

Paulina asked about the mechanics of how this site would go forward with super sizing and who we need to pay.

Helen Probst said there seems to be confusion about super sizing; it needs to be paid for. The super sizing pays for extra large pipes and items at the plant. But they have not paid for the existing plant; 1.66 million was just making certain pieces bigger. If these people had been part of the initial group we would have changed the denominator. She feels a lot of money was spent on the Plant.

Andy Munro said he liked the users paying their share, but had concerns that the cost not be too high.

They needed to decide the costs of infrastructure and how do we allocate to the cost to the new users.

Terra talked about super sizing having overall costs to us. Who is going to pay?

A resident noted the super sizing bubble kept the original members from paying for usage they did not use.

Don Barron noted that 45 Or 50 percent of the super sizing costs would be charged to the Flint/Spencer and Tuttle area.

What the Spencer/Flint/Tuttle area will get are the pipes in the street. The user will be responsible to get it to the house from street. It was proposed we pay for paving a police details and should the whole street be paved or patched.

Andy said that they asked the Town to cover \$50,000 for police and milling and paving costs. Mike asked whether or not the streets are in the loop in need of paving. Steve said they are at half their life.

Terra wanted fincom to report. Terra asked for an impact analysis to be performed.

Lauren was in agreement with Mike to see how much was in the budget to defray the costs of the benefit.

Mike noted we did the right thing for the Grace settlement and he said he is confident that the same sense of fairness and equitability would play a role as we bring this project forward.

Paulina spoke about solar panels on the sewer treatment plant, the proposal for solar panels will be born by the current and later users of the system and they will pay for the panels. Peter asked questions about the loan.

Terra said we would go through Green Advisory Committee to look at this. Mike agreed and if there are additional stimulus funds that may come up before August for the panels we should apply.

Paulina asked about proposal for how to go about managing infrastructure in people's homes to make it work. The pump will belong to the homeowner. There has been talk if they want to band together and have agreements in place with the pump manufacturer.

Terra wanted Town Counsel to know about the 3 options in the district, or out of the district.

Paulina wanted to add the Next Generation to the Special Town Meeting. Our zoning will be difficult to defend, and we could change the zoning at the Special Town Meeting.

Lauren said we should close the warrant.

Steve wanted to have Commission on Disabilities membership requirement change on as a warrant article to amend the Charter and then be put on the next election ballot. TERRA FRIEDRICHS – Moved to put on the Warrant. LAUREN ROSENZWEIG - second UNANIMOUS VOTE

Steve noted that there needed to be a correction related to the articles at town meeting – labeled as section B22, one should be B23. TERRA FRIEDRICHS – Moved to Approve. PAULINA KNIBBE – second. UNANIMOUS VOTE

Dore' Hunter said it was obvious that the Parking Deck is controversial and wanted to take it a Special Town meeting would give us an idea of the feelings. Another alternative would be to labor though to October and put it on the fall town meeting, however, they would like to put on in June. We will put a place holder

Peter said we should have the Planning Board review the zoning changes for Day Care Centers.. Lauren says she feels it is bad planning to do a “knee jerk reaction” and wanted a sense of fairness. She suggested that if the Planning Board looks at it and if they want to do the work to get it ready we should support.

Mike thinks it would good to look at it any way; this will give us a chance to update the sq. footage.

TERRA FRIEDRICHS - Move the Planning Board look at options to change zoning for Day Care Centers. MICHAEL GOWING–second. UNANIMOUS VOTE

LAUREN ROSENZWEIG – Moved to Close Warrant for the Special Town Meeting scheduled for June 23<sup>rd</sup> at the close of their meeting. PETER BERRY- second. 4-1 Terra to abstain, motion passes

## **SELECTMEN'S BUSINESS**

### **TOWN MANAGER'S EVALUATION PROCESS**

Lauren spoke about Steve Ledoux's Evaluation not being done in February. She has spoken to Town Counsel regarding the process to be sure we had all the information regarding process. Lauren asked that the responses come back to her. Then they will write a summary and is hoping it will be done by the next meeting. It will be discussed in the public meeting. It was noted that Steve has asked not to receive a cost of living increase.

Paulina asked when she wanted the forms, she said a week from today, May 11th, and Peter's will need to be filed before his goes on vacation.

Steve Noone asked if they would like his input on Steve's evaluation. Paulina directed him to discuss with Lauren.

## **CHAIRMAN'S COMMENTS ON ORGANIZATIONAL THOUGHTS FOR THE YEAR**

Paulina said that they need to have all five selectmen and every one can make June first priority session and open meeting, it will be a workshop meeting and what are the top things BOS should be looking for.

Calendar has been finalized and we will notify everyone.

Paulina wants to stop dealing reactively and to discuss policy. Periodically we will have a workshop on a topic and to discuss in depth. Paulina asked the BOS to for ideas and bring into the June 11<sup>th</sup> meeting. Paulina said the meetings may be once a quarter or once a month. We do not currently have the time to discuss issues and this will allow the Board to review this.

Terra asked about Finance and asked if we can come with a list of topics. Paulina said we will come up with items we can address.

Paulina spoke about the Liaison balance and every one got something they wanted and not wanted. Be a conduit but you will not be a committee member and not to interfere with the committee.

Introduce yourself to the Chair and ask about membership needs.

Paulina spoke about committee members and them being trained inconsistently and wanted to document a handbook that documents things like Open Meeting Law, how committee works, scheduling, minutes requirements. We need to increase consistency. The document will be worked over the summer and hope to have it ready in the Fall.

Terra asked about attending the Comprehensive Community Planning. Paulina said she could go as a resident. Terra wanted the meetings posted as an informational meeting. Terra asked why Lauren had so many strategic boards.

Paulina said she understands her, but will not change her mind on the liaison list.

## **OTHER BUSINESS**

### **COMMENTS ON LANDFILL AREA GROUNDWATER PRE-DESIGN REPORT, W.R. GRACE**

Mary Michleman spoke about the letter from Jim Okun regarding the landfill area. She discussed the plume and its activity since 06.

Mary discussed yield, water quality contaminated areas, the treatment process that is going to happen, and they suggest air stripping and air quality. They have brought down the metals. Lauren suggests we say it is important to continue air stripping, LAUREN ROSENZWEIG – Moved to send our comments to EPA. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

### **DISCUSSION OF WRAC MISSION STATEMENT APPROVAL**

Next meeting

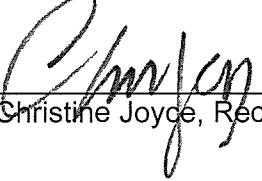
## **CONSENT**


LAUREN ROSENZWEIG – Moved to approve as read. TERRA FRIEDRICH – second, UNANIMOUS VOTE

TERRA FRIEDRICH- Motion to adjourn. MICHAEL GOWING – second UNANIMOUS VOTE

**EXECUTIVE SESSION**

**None needed**

  
\_\_\_\_\_  
Christine Joyce, Recording Secty

  
\_\_\_\_\_  
Clerk  
Date: 6/8/09

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Acton Memorial Library Meeting Room, (First Floor)*

*May 4, 2009*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

1.    **7:05   CHAIRMAN'S UPDATE**  
      The Chair will briefly update the Board on Topics of interest
2.    **7:10   OPERATIONAL MINUTE**  
      The Town Manager will provide a brief report on topics of interest
3.    **7:15   SELECTMEN'S REPORTS**  
      Selectmen will update the Board on activities
4.    **7:30   TREE REMOVAL HEARING CONTINUANCE, 239 ARLINGTON STREET**  
      **ISSUE:** Continuation of Tulip Tree Removal hearing
5.    **7:35   SEWER ACTION COMMITTEE REPORT, WATER RESOURCES**  
      **ADVISORY COMMITTEE REQUEST AND STAFF COMMENTS**  
      **ISSUE:** Review of Sewer Advisory Committee Letter, Spencer/Tuttle/Flint  
      Project as well as WRAC Request, and Staff comment. Enclosed please find  
      materials in the subject regard

**III. SELECTMEN'S BUSINESS**

6.    **TOWN MANAGER'S EVALUATION PROCESS**  
      Enclosed please find materials in the subject regard
7.    **CHAIRMAN'S COMMENTS ON ORGANIZATIONAL THOUGHTS FOR THE YEAR**  
      Enclosed please find materials in the subject regard
8.    **COMMENTS ON LANDFILL AREA GROUNDWATER PRE-DESIGN REPORT, W.R**  
      **GRACE**  
      Enclosed please find materials in the subject regard
9.    **OTHER BUSINESS**  
      Discussion of WRAC Mission Statement approval. Please find materials in Extra Information



#### **IV. CONSENT AGENDA**

**10. REQUEST FOR A ONE DAY LIQUOR LICENSE, PATRIOTS HILL RECREATION CLUB**

Enclosed please find materials in the subject regard

**11. ENTERTAINMENT ANNUAL PERMIT, SAVORY LANE, 251 ARLINGTON STREET**

Enclosed please find materials in the subject regard

**12. COMMITTEE APPOINTMENTS, CHARLES AARONSON, COUNCIL ON AGING TO FILL THE UNEXPIRED TERM OF BILL ELY TO JUNE 30, 2009 AND VOLUNTEER COORDINATING COMMITTEE, FULL MEMBER TO EXPIRE 6/3012**

Enclosed please find materials in the subject regard

**13. COMMITTEE APPOINTMENT, JIM PAPACHRISTOS, COUNCIL IN AGING, FULL MEMBER TO FILL THE UNEXPIRED TERM OF MIKE GOWING, TO EXPIRE 6/30/09**

Enclosed please find materials in the subject regard.

**14. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$300.00 from Especially for Pets, to be used to support Dog Day Jubilee at NARA Park

**15. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$35.00 from Stonefield Farm and Greenhouses, to be used to support the Summer Concert Series at NARA Park

**16. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

Enclosed please find materials in the subject regard

**17. REQUEST FOR APPROVAL TO USE THE VARNUM TUTTLE FUND TO PURCHASE GROCERY AND GASOLINE CARDS TO BE DISTRIBUTED BY THE COMMUNITY SOCIAL SERVICES COORDINATOR TO HELP DISTRESSED CITIZENS OF ACTON**

Enclosed please find materials in the subject regard, for Board consideration

#### **V. EXECUTIVE SESSION**

None needed

#### **ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

#### **Future Agendas**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

**MAY 18**

**JUNE 8 & 22**

## **MINUTES PENDING VOTES**

April 13 (Pre-Town Meeting) – April 27, 2009

### **PENDING COMMITTEE APPOINTMENTS**

**Carl Campagna**, Commission on Disability, Council on Aging and Cable Advisory Committee; and his application is at VCC for processing. (This is a Town Manager Appointment)

**Elizabeth J. Payne**, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC for processing.

**Ilia A. Kurenkov**, (Alex), VCC has interviewed him for several boards he is interested in. He will visit the various boards and committees; he called with interest in the Historical Commission.

**Margaret Busse**, Economic Development Committee, Planning Board and Board of Appeals; her application has been forwarded to the VCC for an interview to be scheduled.

**Jennifer Patenaude**, Acton Community Housing, Historic District Commission and Outdoor Lighting and Education Committee; her application has been forwarded to the VCC for an interview to be scheduled.

**Dara Mitchell**, EDC, her application has been sent to VCC for an interview to be scheduled.

**David Baratt**, Application for Historical Commission has been forwarded to VCC for an interview to be scheduled

**Charles Aaronson**, Council on Aging, and VCC, (On for Consent for Approval)

**Jim Papachristos**, COA, (On Consent for Approval).

# **BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**

**APRIL 27, 2009**

**Acton Town Hall, Francis Faulkner Hearing Room**

**7:00 P.M.**

Present: Lauren Rosenzweig, Paulina Knibbe, Terra Friedrichs and Mike Gowing, Peter Berry, absent. Town Manager Ledoux, Recording Secretary; Christine Joyce. The meeting was televised.

## **CITIZENS' CONCERNS**

Michaela Moran, 80 School Street concerned about MBTA letter and wanted to wait until we have the meeting on Wednesday. She wanted more input from the citizens. Lauren felt we needed to go ahead with the letter in order to hold on to the easement for the Assabet River Rail Trail. She noted that the letter was specifically related to setting aside land for the bike path, and would not imply that all else proposed was fine with the town. However, when it is discussed the Board consideration and voted to add language to the letter that reflected that continued dialogue about the plans for the station should occur, and that this letter was aimed at preserving the ARRT easement as discussed with the Town staff, MBTA, and Mass Highway.

John Benkert, 23 Concord Road was in to discuss the property owned by the Elliot House. Lauren said that after he meets to discuss his concerns with the group tomorrow, he call if they have any resolutions. (was recognized at 8:55 PM—was not present at 7:00 PM to 7:15 PM slot during regularly scheduled Citizen Concerns. He arrived at 7:15 PM with the meeting already in progress).

Dore' spoke about the list of past Board of Selectmen. Lauren thanked him for his work

## **REORGANIZATION**

LAUREN ROSENZWEIG – Moved to Nominate Paulina as Chair. MICHAEL GOWING – second. UNANIMOUS VOTE

PAULINA KNIBBE – Moves to Nominate Peter Berry as Vice-Chair. TERRA FRIEDRICHS – second. UNANIMOUS VOTE

MICHAEL GOWING – Moves to Nominate Lauren Rosenzweig as Clerk. TERRA FRIEDRICHS –second. UNANIMOUS VOTE

## **CHAIRPERSON'S REPORT**

Lauren wanted to announce that Wednesday night at 7:00 pm that representatives from MBTA will be coming to present their designs for the double tracking project at S. Acton commuter rail station. All are invited to come and hear about the plans. This is funded by the Federal Government. Peter will be the new liaison to the Committee.

Lauren spoke about MAPC meeting regarding economic stimulus and how it will be handled with the communities. We need to make sure our projects are protected.

Comprehensive Community Plan – a summary of the meetings with all those involved can be obtained on the web site.

Lauren also spoke about the Patriots Day this year and there were a lot of activities for all to enjoy, and how this helps us to find out where our place is in history.

## **OPERATIONAL MINUTE**

Steve read a statement regarding of Swine Flu. We have not had any one in Acton and Massachusetts be affected. Flu prevention guidelines are outlined on the web. Board of Health will run a drill of the medical reserve corps in preparation, and continue to closely monitor.

Central Street Sidewalk work has begun.

Town Staff Appreciation luncheon for the senior's was held today and that it was a great success.

Social Outreach Coordinator at the next meeting will request funds for purchase of food cards for those in need. In addition staff will be making donations to help fund these.

## **SELECTMEN'S REPORTS**

Green advisory wrote to Terra for applications that were not selected in the first round

OLEC request for legislation support

Design Board will be looking into the proposed Next Generation Children's Center proposal.

Comprehensive Community Plan Phase II was outlined by Terra. She said we need to review demographics and who we are serving, as well as Town Meetings. The task will be reviewed under the MGL guidelines.

Farmer's Market is moving along and Counsel has reviewed.

Mike said the senior's had a great time at the Appreciation Luncheon sponsored by the Town Employees.

Paulina will be liaison to the Side Walk Committee

## **PUBLIC HEARINGS & APPOINTMENTS**

### **SUB WAY SUB SHOP, COMMON VICTUALLER LICENSE, 134 GREAT ROAD**

MICHAEL GOWING – Moved to approve. LAUREN ROSENZWEIG second. UNANIMOUS VOTE

## **SITE PLAN SPECIAL PERMIT, 01/23/09-417, WETHERBEE PLAZA II, 107-115 GREAT ROAD**

Paulina read the notice and opened the meeting that had been continued to tonight. Mark Donohoe presented the site plan for approval. Leo Bertolami spoke about the curb cut and sidewalk reconstruction by the State. He further outlined the Ellsworth Village issue. The Building Commissioner gave them some leeway on the plan.

Leo asked that they allow a 6-10 month stay. They want the options held for more time to review the plans. Leo wants a temporary occupancy under a Bond and will remove the signage and pay the \$1,000 per sign.

Roland Bartl spoke about the meeting with Mr. Bertolami. He could support some arrangement, but Roland was not sure what Leo said and we would wish to only work with one tenant. The buildings cannot be moved forward. The building needs to be done upfront if it is East Acton Village.

Mike noted that he has signed the paperwork under the Mullin Plan that he has reviewed the CD of the previous meeting.

Terra spoke about what staff has recommended—that the applicant combine the lots.

Roland spoke about the desire of the town that the tenant not be evicted and that the town has worked with Mr. Bertolami and he was asked to resolve the outstanding issues.

Roland said remove the lot line and let the upper portion continue under the protected Limited Business zoning under 2004 protection. That resolves the issue.

Lauren said that she is in favor of the lot combining and going under the previous zoning. She said she does not want him to make the statement about demolishing the house again, and respectfully asks that he not make that statement again. She thinks we need to go back to the old zoning.

Mike spoke about language changes that would save a lot of time.

Leo spoke about the demolishing the buildings, and he said it was planning's statement about the statement, Roland said he did not say anything about demolishing buildings. He suggested they be moved up closer to the road as is required in East Acton Village Zoning.

Terra asked about the remedy of this. Leo said he give the Town a \$5,000 Bond and in 6-9 months we don't have an agreement we can keep the money.

Paulina spoke about the importance of zoning, and suggested he fix what is going on by combining the two lots and asked for his response. He agreed with what she said and he further explained the issue as he understands them.

Leo asked for list from planning if we go back to limited BUSINESS what he needs to do as he goes forward in revising the plan.

Paulina asked Roland, if we were to deny this and allow existing tenant to stay contingent with the understanding that if it can be resolved in the 6-9 months if he can use limited business zoning.

Roland said they want to keep the tenant and get a sign, or the Board of Selectmen would limit this to a time and limited to the one tenant that occupies the site. Leo did not want to remove the tenant but would have to notify his Fortune 500 companies of changes that would be required in the leases regarding certain fees.

Lauren asked the Planner about Enforcement Letter and the amount of the bond. If it goes to litigation it will cost more than \$5,000.00.

Paulina wanted to know what zoning is going to take place on the site as limited Business Zoning. We need to close the door on East Acton Village. If the lots are combined it becomes Limited Business. Roland spoke about the Conservation issues on site that have been approved.

Paulina said we deny plan 60-90 days if you do not resolve the issues with your tenant you come back with modification of the site plan (amend Plan). Roland said we might need to have him file a new site plan if it is triggered under zoning.

Leo offered one tenant, sign permit and upon approval of a site plan for one lot, he will remove any non-compliant signage.

Roland noted that Leo needs to come into compliance with zoning and to be conditioned to the 2004 site plan, then he can make changes and be dealt with later

Lauren Rosenzweig - Move we deny this permit and give the owner of the property 3 months to resolve issues and that he needs to post \$5,000 Bond and allow tenant to stay and install a sign, and to apply to existing tenant only. Withdrawn

MIKE GOWING - Moved to deny the site plan and ask to have him submit a new plan. With regard to the tenant situation, Terra asked about 6 months enforcement on the delay of enforcement on the tenant to Oct 31, 2009. LAUREN ROSENZWEIG –second.

LAUREN ROSENZWEIG - Move we require applicant to submit a \$5,000 cash bond, allow one free standing signs on site or driveway and one on the building, as per zoning, to be removed as per new combined lot site plan, and an extension to bring new site plan for limited business. Agreement expires on October 31<sup>st</sup>. MICHAEL GOWING – second. UNANIMOUS VOTE.

Dore' suggested that we get money from the applicant for using so much staff time. Paulina wanted to take under advisement.

### **SITE PLAN SPECIAL PERMIT, 02/20/419-2/20/09-419, 59 GREAT ROAD, BELLA FAMIGLIA**

Paulina read the legal announcement and opened the hearing. Mark Donohoe asked to continue the hearing to May 18<sup>th</sup> at 8:00 in order to better prepare for the hearing.

## **WALKER REALTY TRUST LLC. 348-352 MAIN STREET, NEXT GENERATION CHILDREN'S CENTER**

Town Attorney, Art Krieger discussed Chapter 40A State Zoning Act. He spoke about the case law. Art said we cannot prohibit the siting as a right for religious or day care uses. Use is permitted; site plan does not need to be filed. Art spoke about proposed traffic mitigations.

John Petersen, 6 Jackson Drive – Mr. Petersen spoke about Mass General Laws and are they to lessen congestion in the Streets? He spoke about scope of the project.

Walter Foster is representing the neighbors of Isaac Davis Way. He said the Board should write to the ZBA to weigh in in writing to raise issues. They want gates on Isaac Davis Way and wants screening from the building. What happens in the case of the renter leaves. He suggested bond be filed if we are left with a vacant building of this size which can only be used for educational or religious activities, he noted the issue as it related to the Dover Amendment which restricts use.

Richard Logan asked if the daycare is required to be non-profit, Attorney Krieger said no. Mr. Logan said that the traffic is difficult already and trying to get to emergencies is important. He asked that we litigate this.

Karen Eckert – Agawam Road, felt the character of the town and to mitigate the plan. The safety was another concern.

Peter Ashton – Appearing on behalf of Infant Toddler Center. He feels this is an issue that needs the Board to listen to the public about this. Peter understands the law but believes this is a policy issue and the Board needs to consider. Impact on other child care providers. Urged the Board to write the Appeals Board.

Pat Leete, Childcare at 394 Mass spoke in opposition on behalf of Early Childcare Advisory Council, and urged the Board to write to a letter to Appeals Board.

Mike Farquar, 9 Agawam Road spoke about dealing with the Kelleher's and they will bulldoze the town. He spoke about the Westford center, and urged the Board to keep it out of Town. If you have to approve put stringent restrictions.

Charlie Kadlec said this is the wrong facility in the wrong place. He asked what is it that our current Reps and Senators could do to help, any action to increase our choice in Acton. Art said we need to bring special legislation to amend. Charlie asked the Board to contact the legislature to let them know,

Mr. Levin, Hosmer Street said we should give the tape of this meeting to the developer. He does not think this proposed use will be supported in Acton.

Terra spoke about the support of the costs to protect ourselves.

Mike asked about the size of the public safety building, it is 23,000 sq. ft. same size as the proposed building

Paulina asked about grandfather clause and when it would go into effect.

Paulina asked if we want to send a letter, what it should say.

Terra asked that we make reference to the Design Review comments. Paulina said they will not be ruling on the look of the building. The ZBA will either affirm the decision of the Building Commissioner, or if the ZBA believes that it is reasonable, she asked that we note FAR and parking lot items as part of denial of this proposed Daycare.

Lauren asked when the State law was developed what was the intention. Atty. Krieger noted in 1990 Dover Amendment was voted to promote day care.

Lauren noted the issues affecting neighbors, Design Review guidelines and to screen direct abutters. We also need to address traffic and traffic safety.

Paulina said we needed to develop a letter to ZBA regarding the Sense of the Board and the Town. If this is going forward, what happens if we try to restrict the size and impacts?

Dore' Hunter, Foster Street spoke about consensus and we need to have the support of the Day care centers clients and owners and play for time. The real card is to try to convenience the owners of the daycare that they are not going to make money.

PAULINA KNIBBE - Move to write a letter to ZBA expressing sense of the Town This project is not supported and encourage them to look closely for reasons to affirm the decision of the Zoning Officer. LAUREN ROSENZWEIG – Moved a friendly amendment to outline what we heard from the citizens tonight, town character, traffic, size, lower numbers at childcare facilities, protection of neighbors currently. LAUREN ROSENZWEIG withdrew her amendment and urged the people here tonight to go to the ZBA meeting on May 4<sup>th</sup> and to voice their concerns to the ZBA.

Paulina noted issues of traffic, size and massing of building, screening to the neighbors, concerns about what happens to the building if its use is abandoned.

Paulina suggested they are Violating Master Plan, defamation of town charter, traffic which will be of great impact the town.

Consensus above – Unanimous vote by the board.

Dick Calendrella urged the people at the meeting to begin a petition to give to the Developer and ZBA asking them to not support this project.

Mark Hudson – asked that we protect our zoning.

Robert Walker, Developer of the project spoke about the voluntary enhancements they have offered and he feels they need to find out what they have agreed to in order to be welcomed in to the neighborhood

Paul Hoff spoke about changing the bylaw to control development



## **SELECTMEN'S BUSINESS**

### **JENK'S FUND FOR THE YOUTH OF ACTON**

It was agreed to roll over the interest back into the principal until next year

### **EAGLE SCOUT COURT OF HONOR, BEN SANCETTA**

Mike Gowing to present the award.

## **OTHER BUSINESS**

### **BFRT DRAFT LETTER TO NIKI TSONGAS**

MIKE GOWING – Moved to accept the letter as written regarding the Bruce Freeman Rail Trail.  
TERRA FRIEDRICH – Second. UNANIMOUS VOTE

## **CONSENT**

Hold Minutes 13 – because they have not been finished.  
Hold #26 MBTA Meeting

LAUREN ROSENZWEIG – Moved to approve consent items not held TERRA FRIEDRICH –  
- Second – UNANIMOUS VOTE

Item 26, Item was discussed and we definitely want this easement. Amendments to the  
letter that is prepared by adding Paulina's added statement. UNANIMOUS Vote

Paulina asked about the State Tax increase. Terra was asked if she was in favor of the  
Governor's proposal, she did not want a lot of money going into the Mass Pike folks. Lauren  
liked the Governor's plan and was not sure why the legislators were not in favor. She is in  
favor of looking at gas tax with transportation in mind.

Mike said it comes down to what regressive tax do you want?

Sid Leven said the Governor said he would veto it. He is in favor of taxes on income and  
asked the Board to let the legislature know and to rescind the Sales Tax.

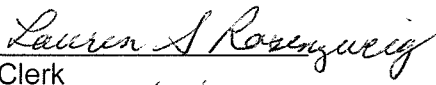
Add to May agenda regarding letters to the legislators.

LAUREN ROSENZWEIG -Motion to adjourn. MIKE GOWING – second UNANIMOUS VOTE

## **EXECUTIVE SESSION**

~~None needed~~

  
Christine Joyce, Recording Secty

  
, Clerk  
Date: 6/8/09

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Hearing Room*  
*April 27, 2009*  
*7:00 PM*

**I. CITIZENS' CONCERNS**

The Board will be asked to accept a gift of \$6,000.00 from Mr. Gould and \$6,000.00 from Mr. Donelan for a total of \$12,000.00 to be used to provide Fire Works at the Fourth of July Celebration at NARA Park.

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. BOARD REORGANIZATION**

**2. 7:05 CHAIRMAN'S UPDATE**

The Chair will briefly update the Board on Topics of interest

**3. 7:10 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest

**4. 7:15 SELECTMEN'S REPORTS**

The Board Members will make reports to the Board

**5. 7:35 SUBWAY SUB SHOP, COMMON VICTUALLER LICENSE, 134 GREAT ROAD**

**ISSUE:** Enclosed please find materials in the subject regard

**6. 7:40 SITE PLAN SPECIAL PERMIT, #01/23/09-417, WETHERBEE PLAZA II, 107 -115 GREAT ROAD**

**ISSUE:** Site Plan Special Permit Request

**7. 8:40 SITE PLAN SPECIAL PERMIT, #02/20/09-419, BELLA FAMIGLIA, 59 GREAT ROAD**

**ISSUE:** Site Plan Special Permit Request

**8. 9:00 WALKER REALTY TRUST LLC, 348-352 MAIN STREET, NEXT GENERATION CHILDREN'S CENTER**

**ISSUE:** Proposed Day Care Facility discussion

**III. SELECTMEN'S BUSINESS**

**9. JENKS FUND FOR YOUTH OF ACTON**

Enclosed please find materials in the subject regard

**10. BOY SCOUT EAGLE SCOUT COURT OF HONOR, BEN SANCETTA**

For Board member assignment

**11. OTHER BUSINESS**

**IV. CONSENT AGENDA**

**12. ACCEPT MINUTES, BOARD OF SELECTMEN, APRIL 7 AND 13, 2009**

Enclosed please find materials in the subject regard, for Board consideration

**13. NOTICE FROM THE MASS STATE LOTTERY COMMISSION, KENO MONITOR REQUEST TO DISPLAY THE GAME, TOWN LINE CONVENIENCE STORE, 37 MAIN STREET**

Enclosed please find materials in the subject regard

**14. CLASS II NON-DISPLAY CAR DEALERS LICENSE, JAMES HRYNIEICH, 171 NEWTOWN ROAD**

This will re-instate the Class II License that the Board revoked due to a Registry of Motor Vehicles mistake

**15. OUTDOOR LIGHTING AND EDUCATION COMMITTEE REQUEST FOR A LETTER OF SUPPORT OF CURRENT MASSACHUSETTS PENDING LEGISLATION**

Enclosed please find materials in the subject regard

**16. RECREATION DEPARTMENT REQUEST TO WAIVE FEE FOR USE OF NARA PARK TO SPONSOR MARX RUNNING EVENT**

Enclosed please find materials in the subject regard

**17. PLANNING BOARD REPRESENTATIVE TO THE ECONOMIC DEVELOPMENT COMMITTEE, LEIGH DAVIS-HON, TO FILL MR. REICHLEN'S UNEXPIRED TERM OF 6/30/09**

Enclosed please find materials in the subject regard

**18. CONFIDENTIAL REQUEST, BETSY BALL FUND**

Enclosed please find confidential materials in the subject regard

**19. DRAFT ARBOR DAY PROCLAMATION FOR BOARD SUPPORT**

Enclosed please find materials in the subject regard

**20. PROCLAMATION, ACTON PUBLIC LIBRARIES VOLUNTEER APPRECIATION WEEK**

Enclosed please find materials in the subject regard

**21. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$2,200.00 from Enterprise bank to be used to support activities at NARA Park

**22. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift of \$100.00 from Perry Plumbing and Heating to be used to support the Summer Concert Series at NARA Park

**23. ONE DAY LIQUOR LICENSE, OLD GOLD RUGBY TEAM, NARA PARK**

Enclosed please find materials in the subject regard

**24. DISPOSAL OF OBSOLETE MATERIALS, FRIENDS OF THE ACTON ARBORETUM**

Enclosed please find materials in the subject regard.

**25. DISPOSAL OF OBSOLETE MATERIALS, ACTON MEMORIAL LIBRARY**

Enclosed please find materials in the subject regard

**26. DRAFT SOUTH ACTON - MBTA TRAIN STATION IMPROVEMENTS LETTER TO PAUL HADLEY, PROJECT MANAGER**

Enclosed please find materials in the subject regard.

**V. EXECUTIVE SESSION**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda.

**MAY 4 & 18**

**JUNE 8 & 22**

**MINUTES PENDING VOTES**

April 6 & 8 and 13 (Pre-Town Meeting)

**PENDING COMMITTEE APPOINTMENTS**

**Carl Campagna**, Commission on Disability, Council on Aging and Cable Advisory Committee; and his application is at VCC for processing. (This is a Town Manager Appointment)

**Elizabeth J. Payne**, Volunteer Coordinating Committee (VCC), her materials have been forwarded to VCC for processing.

**Ilia A. Kurenkov**, (Alex), VCC has interviewed him for several boards he is interested in. He will visit the various boards and committees; he called with interest in the Historical Commission.

**Margaret Busse**, Economic Development Committee, Planning Board and Board of Appeals; her application has been forwarded to the VCC for an interview to be scheduled.

**Jennifer Patenaude**, Acton Community Housing, Historic District Commission and Outdoor Lighting and Education Committee; her application has been forwarded to the VCC for an interview to be scheduled.

**Charles Aaronson**, Council on Aging, his application has been forwarded to the VCC for an interview to be scheduled.

**Dara Mitchell**, EDC, her application has been sent to VCC for an interview to be scheduled.

**David Baratt**, Application for Historical Commission has been forwarded to VCC for an interview to be scheduled.